The Cochin Land Conservancy Act (Amendment) Bill

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I beg to move that the Cochin Land Conservancy Act (Amendment) Bill may be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Verumpattamdars Act (Amendment) Bill

Mr. L. M. Pylee *(Latin-Christians-Ernakulam):* Mr. President, Sir, I beg to present that the Select Committee report on the Cochin Verumpattamdars Act (Amendment) Bill. At the early stages of the Bill it was discussed and reported by the Select Committee. The report is now before the House. As reported by the Select Committee no substantial changes have been made in the proposed Bill. Except certain change to suit local phraseologys no substantial changes had been made in the report. I beg to move that the Bill may be taken into consideration.

Mr. P. P. Devassy *(Trichur-South):* I second it.

Mr. K. Narayana Menon *(Mulakunnathukavu):* There is an amendment tabled this morning and I also understand there are others coming to-morrow. All of these may be taken up to-gether.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I oppose the motion.

Mr. M. Sivarama Menon *(Advocate-General):* Government oppose not only the Bill but also the motion for adjournment. Because the question of adjournment has to be considered first, I oppose that motion.

The Motion put and lost

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I oppose the motion made by the Mover of this Bill for the Bill being taken into consideration as reported upon by the Select Committee. The House is fully aware of the implications of this Bill because this has become a very old story. These points began to be agitated even at the time when the original Bill was introduced. The Select Committee which was appointed to consider the Bill negatived the idea of granting fixity of tenure to garden lands and parambas in Municipal areas, on the main argument that there is the unearned increment attached to those lands which are mostly useable for industrial purposes and house sites and therefore there is absolutely no justification from the point of view of agriculture to grant fixity of tenure to these garden lands. I have only to point out to this House one aspect which was not presented on previous occasions. If fixity of tenure is granted to garden lands in towns one of the most serious ways in which the landlord can be prejudiced is this. Now these leases must have been granted some 30 or 40 years back at a time when the rental capacity of these lands was low, *i.e.*, when the properties could not have been put to any better use. Along with the economic progress of the country as a whole and especially with the growth of the Municipalities and the procurement of amenities provided by Municipalities with taxes collected from the local rate payers the value of these properties have risen. If a person who owns an acre of garden land in a town wants to sell away his property he will not be in a position to dispose of the property because the persons who want to purchase will only capitalise the rent that is derived from the property by 20 or 25 times. While as a matter of fact the cent value of house site, and garden lands has risen, so far the land owners are concerned what would be the result? He will get only 20 or 25 times the capitalised value of the rent. If the tenant has made improvements either by reclaiming or by planting trees he is entitled to the value of all those improvements under the Tenancy Act. Whatever he has spent he is entitled to be reimpursed. There is no prejudice to the tenants of garden lands in towns. He can transfer his heritable interest under the provisions of the Tenancy Act. He can easily dispose it off in the open market and derive huge prices. On the other hand the landlord will get only a pittance. Under the Tenancy Act the rent once fixed is made invariable. With regard to the properties in areas other than towns it is a fact that the question of unearned increment is not appreciable. It will be an exproprietary measure if the House is going to grant fixity of tenure to garden lands in Municipal Towns. The Select Committee on the original Verumpattam Bill considered the question in all its aspects and did not feel convinced that fixity—should be given for verumpattam holdings in Municipal areas. The limitations now sought to be imposed do not materially affect the question in issue. The principle involved in this amending Bill is very serious and it prejudices the landlord to an inordinate extent. Government are therefore constrained to oppose this Bill. I therefore request that the House may be pleased to take all these facts into consideration and oppose this Bill.

Mr. Ashtamurthi Nambudiripad *(Land-holders):* I rise to oppose this Bill.

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At the outset I wish to make one or two general observations with regard to the numerous Amendment Bills to the Verumpattam Act. It is only less than two years since the Verumpattamdars Act came into force in the State and now we have more than half a dozen Bills seeking amendments to the same. It is a fundamental principle of Legislation that laws should not be changed every day. The Act has been working here for less than two years and before we gain experience about the real working of the Act we should not entertain any idea of amending the same. Right to land is too sacred a subject to be lightly interefered with.

Right to possession is the main and valuable ingredient of proprietorship. The original Act itself has taken away this right from the jenmies and has imposed various other restrictions on his right. Now I humbly submit that it is very hard on the jenmies to have his rights curtailed piece-meal by bringing in every day as it were amendments to the Tenancy Law. In my humble view, Sir, it has become necessary more for the jenmies to have some fixity of law in the matter of the Tenancy Legislation than for the tenants to have fixity of service. The jenmies are in a minority and I submit that it is the duty of the Government to protect the interests of the minority interests. So I request the Government to oppose all these measures and thereby safeguard the ancient and valuable rights of the jenmies in the State.

As regards the merits of the present Bill I may say one or two words. Though a Verumpattamdar has no substantial interest in the land he was given fixity of tenure because it was thought that he will have sufficient incentive to employ his labour and capital to improve the land only if he is given some interest in it. The object there is to improve the land in order to make it yield its utmost. Though the Act is exproprietory in character the Government intervened because improvement of agriculture is for the common benefit of the whole people of the State. Section 3 (f) (i) of the present Act already gives fixity of tenure to lands used for the cultivation of paddy even within the Municipalities. Other holdings in the Municipal areas are not agricultural holdings at all and no fixity of tenure should be given to any of them.

The Verumpattam lands in Municipalities have risen up in value due to the growth of the town and not due to anything done by the tenant to improve it. If the tenant has actually improved the land he will get the value of such iprovements even as it is. So there is no necessity to give the benefit of the unearned increment in the land value to the tenant.

I see from the Select Committee Report that the Chairman and the Diwan Peishkar raised the question as to whether the right to revise the pattam of lands in the Municipal areas should not be vested in the land-lord and also the question of increasing the share of the landlord in the land value awarded when such lands happened to be acquired by the Governments. I very much regret to note that even these moderate and reasonable suggestions were turned down by the majority members of the Committe. So I strongly oppose this Bill.

* **Mr. Joseph Pettah** *(Adur)* : I rise to support the Bill. In the first place the Advocate-General has brought out a comparison between the agricultural lands and town lands. We understand that fixity of tenure has been given not only to the fields but also to the cocoanut compounds of other places. If it were only to the fields the unearned increment may not crop up. But as we know in the case of garden lands especially even outside towns the principle of unearned increment does arise. If fixity of tenure is given there on the same principle we have to argue that fixity of tenure should be given to the garden lands which are in the towns as well. Now what I urge is this that in the towns there is a very large portion of unearned increment. Unearned increment is very much higher in towns than in villages and the question is who should got this unearned increment, how this unearned increment should be divided if at all it should be divided. I beg to bring to the notice of the Government the following instance. Let us take a case 40 years ago a piece of worthless land somewhere in neighbourhood of this place at that time a small Municipal area or perhaps not in the Municipal area, the place is not habitable. It is rather marshy and therefore not fit for human habitation. Such a place which is an acre a man purchased for Rs. 100. So his financial commitment 40 years ago is only Rs. 100 and then he gives it to a tenant. The tenant spents not Rs. 100 but perhaps Rs. 1,000 or Rs. 2,000 for reclamation? gardening and doing all sorts of improvements there. So far as this plot of land is concerned what is the proportion of commitment as between the landlord and the tenant. The Land lord made a financial commitment of Rs. 100, the tenant on the contrary has made a financial comitment of say Rs. 5,000 and then irrespective of both the parties the unearned increment comes partly on account of the growth of the Municipality and partly on account of the the war. To whom should this unearned increment go. If it is to be divided in what proportion is it to be divided—the man who has

*Speech not corrected by the Hon'ble Member.

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spent Rs. 5,000 or to the man who has invested Rs. 100. The man who has invested Rs. 100 originally was not doing anything by way of personal effort. He was a sleeping partner. His whole financial commitment comes to Rs. 100 and nothing else; no bodily effort, no anxiety, no planning, no intelligence, whereas on the side of the tenant you find a commitment of Rs. 5,000 along with personal care, planning, intelligence, all these things used. How will you divide the unearned increment which comes irrespective of both the parties. How is the income to be divided? I would say in fairness that the major portion of the windfall, unearned increment must go to the man who has made greater sacrifice than to the other in respect of this particular land. In point of equity it should be so divided. Again take the other side to make the argument stronger still. After spending Rs. 100 on the one side and Rs. 5,000 on the other side depression comes, the land value goes down and the property becomes worthless. Then who is losing? The man who has put a little amount or the man who has spent Rs. 5,000. The man who has spent Rs. 5,000 loses a great deal. If he is the man to lose at the time of depression he must also be the man who should be benefitted when the depression ceases and when there is boom or business prosperity. The argument must work in the same manner either way. So if we consider from the point of view of equity we find that the man, who has taken the land has just taken it and the man who has spent a large portion, has taken the greatest trouble and he stands to lose much greater proportion of money or to make much larger sacrifice in case depression must also be given the benefit of the betterment of prices. That is a very reasonable position That is the only equitable position. In addition to that there is the fact that the tenant after having improved the property built a house he has to be turned out or evicted in these days when he could not get another unless he pays an exhorbitant amount. That again adds colour and a human touch of sympathy to the whole situation also has to be considered the House whether we are considering the legality, but also the question of equity and humanity. I therefore support this amendment.

*Mr. V. K. Bhaskara Menon *(Cranganur)*: I oppose the amendment because of this one reason. The Verumpattamdars Act was passed with a specific purpose of giving the tenant and interest in the property so that he may improve agriculture thereby increasing the sum total of the wealth of the country. In the matter of lands in the Towns the incentive to improve by the tenant does not in any way give an impetus by giving any sort of permanency because the increased value of the land is not the result of improvement effected by the tenant but because of the advantageous circumstances, absolutely beyond the control of either the landlord or the tenant in such circumstances, my submission to this House is that, it should never be made a legitimate share of the tenant and deprive the land lord of the right which he ought to get. It is now considered that the landlord has got some right as owners. I am, if possible, thinking that the ownership to property should be put a stop to unless there is a very radical measure of that sort depriving the private owner of his rights of ownership, my submission to the House is that we have to take it that the unearned increment should go to the landlord who is now allowed to continue as owner and proprietor of the property.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I support the amendment. The argument against this amending Bill finding its place on the Statute of Cochin is that as far as particular class of holdings situate in particular areas—Municipalities—the increase in value obtainable for these properties is not the result of the tenant's labours. It must be said that the increased value of sites in towns is not due to the work of the tenant solely. But it will not be true to state that regarding the increased value the tenant has no share in it. It is really, Sir, the result of the tenant's work upon it plus circumstances attendant upon the conditions that are obtaining in big Municipal areas. The price of house sites in such areas goes up for the reason that that particular area is an area of various activities inviting various persons into that area, inviting volume of trade in that area and such other things. All these are facts known to everybody. Now to say with regard to such areas the house site or rather the site which is not used for agricultural purposes or which is used for purposes other than agriculture should not have the benefit of the gracious boon granted by His Highness, I mean the late Highness by whom this boon was granted, is something which I cannot easily grasp. I do not know why the exception with regard to those sites is made necessary in a Bill which gives under normal circumstances fixity of tenure to Verumpattamdars wholly. What is the ground for making the exception? Absolutely none. Except one that was stated, *viz.*, that the tenant is not solely responsible for the increased value of the site. What I beg to submit is that the increased value of the site has no place in this question. If it has got increased value that is not going to affect

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the question of fixity of tenure. Fixity of tenure has to be considered on the general principles. Now it will not be contested, Sir, by persons who have spent a lot upon it, that the eviction of a tenant either from a land which is cultivated with paddy or from a piece of land which is planted with cocoanut or other fruit bearing trees containing or not containing a house, it will not be contended, I submit, Sir, that it is not an arrow struck into the body of the individual lessee driving him out from the scene of his hard work. Eviction has been considered by thinking men as an arrow struck into the body of the tenant. What has been done by the passing of the Verumpattamdar's Act is that the privilege of striking the pointed arrow into the body of the tenant wantonly indulged in by some landlords has to be stopped. And why should Municipal areas be an exception to that boon? Why should the holder of a plot or a paramba in Municipal areas be made an exception from this general rule which really applies to all other cases passes one's comprehension. Hence the necessity to remove the exception as regards these parambas existing. Even at the time of the passing of this Act, attempts were really made when the original Bill was discussed as observed by the Hon'ble Advocate—General but all these attempts having been frustrated. Then why attempt now is the argument of the Hon'ble Advocate—General to oppose this amendment. 'Better late than never' is a proposition which has to be acted upon by all. It could have been better, it would have been much better if this exception was voted even at the time of the passing of the Act nearly 2 years ago. The Bill was introduced discussions started about fixity. The Bill had been rushed through with the consequences that from the next day onwards amendments have come, in some shape or other. The Hon'ble Member for Landlords was seriously asking the question that Acts and Statutes should not be often amended, that is, what is passed once must stand for at least a pretty long time. But if what is passed is objectionable from various angles from the stand point of various parties. Whose benefit was the primary basic consideration of the passing of the Act amendments have to come and they have come. If the Act that is passed contains objectionable clauses as a result of the hurried consideration that the Bill had amendments will come in plenty and that at the earliest and that is what has taken place, Therefore, Sir, the argument that this was considered at the passing of the Bill by this Council, that there are innumerable amendments come subsequent to the passing of the Act, they are not arguments to oppose this most salutary essential piece of amendment. On the other hand these are arguments, Sir, in support of it for the simple reason that this is an attempt not very much belated to remedy the laws existing in Act that has gone into the Statute Book of Cochin. Therefore, Sir, this amending Bill must be welcomed with open hands. I wish that the Treasury Benches would have revised their opinion. Though the two Hon'ble Members of the Treasury Benches who were members of the Select Committee had opposed it at the Select Committee Stage. I was under the impression that the Government being responsive in very many things and on very many occasions, I thought in my optimism that they would have revised their opinion and they would at least not oppose if not accept. So if I had been rather unnecessarily optimistic, I am sorry, I deserve the punishment. Therefore, Sir, the arguments thus far advanced against this Bill becoming law are really arguments in support of it. I can understand what is behind these objections. One is from the landlord's side. Is the landlord prepared to accept any amendment to the Tenancy Act or prepared to welcome the Act that became law nearly two years ago? No, the Hon'ble Member, the representative of the Landlords here was opposing it from the very start.

A voice: Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I heard a *voice "Yes"* from a certain corner. Yes, Sir, that is not anything unexpected. But that 'yes' also is an 'yes' emphasising the necessity for the amending Bill. From that side opposition will come, should come so long as it is thought that the lands in Cochin are gifts given by Parasurama to a particular class of persons. So long as they do not rise above that superstition they will oppose such amendments. Any sort of disturbance against the supremacy over the lands which they were enjoying for the last so many years will be resorted by them. That cannot be considered as opposition to the Bill, but our exhibition of self interest. Now certain other quarters also oppose. The element of self interest is not completely absent there either. I leave it at that. Therefore Sir, I shall conclude my observations by saying that no case has been made out not to have this amendment and that being so the amendment deserves the unanimous support of this House, all the Hon'ble Members of the House except the Hon'ble Member representing landlords.

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മിസ്റ്റർ ബി. എം. പീറർ : സർ, ഞാൻ ഈ ഭേദഗതിബില്ലിനെ അനുകൂലിക്കുന്നു. വെറുമ്പാട്ടക്കുടിയാൻ സ്ഥിരാവകാശബില്ലിൽ ആ സ്ഥിരാവകാശം കൊടുത്തവസരത്തിൽ ഈ സർ കുടിയാന്മാർക്ക് എതുതരത്തിലുള്ള ആനുകൂല്യങ്ങൾ കിട്ടണമെന്നു ഉദ്ദേശിച്ചിട്ടുണ്ടോ ആ ആനുകൂല്യങ്ങൾ കുടിയാനു കിട്ടീട്ടില്ലെന്നുള്ള അഭിപ്രായം എപ്പോഴും ഇറങ്ങിപറയുവാൻ തയ്യാറുള്ള ഒരാളാണു ഞാൻ. ടെണകളിലുള്ള പറമ്പുകൾക്കു സ്ഥിരാവകാശം കൊടുത്തുകുടായെന്നു പറയുന്നതിൽ യാതൊരു അത്ഥവുമില്ല. ഗവർമ്മെണ്ടിൽനിന്നു പറഞ്ഞു മനുപടി ആലോചിച്ചാൽ ടെണിലുള്ള പറമ്പുകൾ എന്തെങ്കിലും side value ആയിട്ടു കൂടുതൽസംഖ്യ കിട്ടീട്ടുണ്ടെങ്കിൽ അതിനു കുടിയാനു അവകാശമില്ല; ജന്മിക്കു മാത്രമാണു അതിനവകാശമുള്ളുവെന്നു പറയുന്നതിന്റെ അവസ്ഥ എന്താണെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. തീച്ചയായിട്ടും ഒരു നാല്പതു കൊല്ലത്തിനു മുമ്പു ഈ ഏറണാകുളം പട്ടണം നിങ്ങൾ കണ്ടിട്ടുള്ള അവസ്ഥയിൽനിന്നു ഇപ്പോൾ എത്രയോ വ്യത്യാസപ്പെട്ടിട്ടുണ്ട്. എതുതരത്തിലുള്ള പരിഷ്കാരങ്ങളെല്ലാം ഈ ടെണിൽ ബാധിച്ചുകഴിഞ്ഞു. അതെല്ലാം മനസിലാക്കിയിറി എതുതരത്തിൽ പട്ടണപരിഷ്കരണത്തിനു വേണ്ടി പുറപ്പെട്ടിട്ടുണ്ടോ അതേതീതിയിൽ അതിനോടു സഹകരിച്ചു ഓരോ വലിയ തുക ചിലവു ചെയ്തുകൊണ്ടു കുടിയാനും പ്രവൃത്തിച്ചിട്ടുള്ളതിന്റെ ഫലമാണ്; എന്നാൽ ആ പ്രവൃത്തിക്കു അതിതമായ ഒരു സംഖ്യ കിട്ടീട്ടുണ്ടെങ്കിൽ ആ സംഖ്യക്കു് അവകാശികൾ വാസ്തവത്തിൽ ആ ഭൂമി കൈവശം വെച്ചുകൊണ്ടിരിക്കുന്ന കുടിയാനാണെന്നാണു എന്റെ അഭിപ്രായം. പിന്നെ മറൊരു സംഗതി ജന്മിക്കു സാധാരണ വില്ലേജുകളിൽ വന്നുകൊണ്ടിരിക്കുന്ന ചിലവിനേക്കാൾ കൂടുതലായ ഒരു ചിലവു ടെണിൽ ചെയ്യേണ്ടിയിരിക്കുന്നുവെന്നു് ഒരഭിപ്രായം പറയുകയുണ്ടായി. പക്ഷെ അതു കുറെ വകവെച്ചുകൊടുക്കേണ്ടതാണു്. അതുകൊണ്ടു ടെണിൽ ഉള്ള കുടിയാന്മാർക്കു സ്ഥിരാവകാശം കൊടുത്തുകുടായെന്നു പറയുന്നതിൽ യാതൊരു അത്ഥവുമില്ല. അതുകൊണ്ടു ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

*Mr. L. M. Pylee *(Latin-Christians Ernakulam)* : Mr. President, Sir, I am a bit surprised at the stubbornness shown in this matter from the Treasury Benches. Sir, I must at the outset point out the very mild and most harmless nature of this Bill, the provisions of which I may point out to effect one or two things in order to clarify that point. The Bill relates not to every lands in the hands of the tenants within the Municipal Areas but only to certain kinds of lands. What are the kinds of land which the Bill contemplates, that is 40 years or more before the commencement of the Verumpattamdars' Act. Lands that were absolutely useless—Lands that were marshy and which the landlord found it more a nuisance that of any use and he let to some poor people and these poor people by the sweat of their brow and by the expenditure of their hard earnings I have improved the sites into something decent and respectable and it is to these lands only my Bill relates. While the landlord was sleeping when the landlord thought that the lands were useless and a sort of nuisance while the poor man came forward and offered to improve them by the sweat of his brow to spend his energy and spend the little money he could afford to spend to improve this. There is a wrong impression on the part of the jenmies who have not studied this Bill should think that all the lands within the Municipal areas are going to be affected by this Bill. Certainly not, Sir. How many instances are there I ask of such areas of such lands that are within the purview of the Bill. First of all the holding should have been in the possession of the tenant for 40 years or more before the commencement of the Act: Secondly the holding should be on the same pattam. Thirdly the holding should be held entirely, for all this long period ranging for half a century or more. I ask the Hon'ble House what is the proportion that is going to be affected by this Bill and I ask the Hon'ble Advocate-General, how he could dare to attack this Act as a violent and expropriatory measure. Well, Sir, that is why I said that I am surprised that a Bill of this sort which is going to affect a microscopic minority even then if the jenmies are not going to yield, even in such cases the vested interests the jenmies are going to hug their lands and say we will not part. I dare say will there remain much in store for such vested interest. When even all these lands of Cochin were held by the poor helpless land-lesss poor of the land are these jenmies contemplating to evict them? If that is going to be the case here is a case of hard-heartedness. I would like both the public and jenmies instead of getting frightened must think after all the limits within which the Bill is going to be applied is very little and if they do not do it I am surprised that the Hon'ble Government and the vested interest will not yield an inch. I dare say the Government of Cochin is not a capitalist Government, I dare say that the Government of Cochin is not a Jenmy

*Speech not corrected by the Hon'ble Member.

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Government, I dare say that the Cochin Government is a Government of the people for the people and it ought to be by the people. Sir, Hearing the Hon'ble Advocate-General, one would think that of all the world and all the forces, all the improvements in the towns and Municipal areas have been due to the efforts of the magnificent and magnanimous efforts of the vested jenmies of Cochin State. What fantastic notion! Yes, he is saying, world forces have been generated, Hitelerism probably came, war came, harbour came, Shanmukham Road came and what not. The impression seems to be that all these were due to the jenmies, the jenmies who have been sleeping, snoring, idling, fattening....

Mr. V. K. Bhaskara Menon *(Cranganur)*: I object the word snoring.

Mr. L. M. Pylee *(Latin Christians-Ernakulam)*: Well, you may object. People are apt to snore when they sleep.

I ask the Advocate-General, does he maintain that all these have contributed to the increase of the value of the sites, whether it is due to the efforts of the jenmies. If the sites that were lying, as it is said in Malayalam " ൿരുംപ ൿരിംപ " are now smiling gardens, whose was the effort? If people come to buy up those smiling gardens now, I ask, whose is the effort, is it the effort of the sleeping, snoring jenmi, or is it the effort of the sweating, labouring poor man? I would advise the Hon'ble Advocate-General to be more realistic, because he holds the port-folio of Law, and I don't want that minds should become lawless and disorderly.

Sir, at the first moving of the Bill, I mean, at the earlier stage, the question of unearned increment has been brought forward. The Advocate-General should then have understood the fallacy of his argument and he should never have brought forward that fallacious argument again here. I told him at that time that even if the argument unearned increment is to be conceded, who had the claim for that, was it again, I ask, the sleeping, snoring, jenmi or the hard-worked and ill-paid cooly or labourer, I mean, the tenant? And you speak of the unearned increment, as if I said all these were world factors that brought this unearned increment and raised the price of these lands, have all been due to the jenmies. The fallacy of the argument is there. I am surprised that once again he has brought forward this argument of unearned increment.

Sir, the Advocate-General has again put forward the consoling assurance to the tenants that if they are to be evicted—mind you, there comes the indication of the jenmies' mind, if they are to be evicted, so the eviction is coming if they are to be evicted, the provisons of the Cochin Tenancy Act, will help the tenants to get their compensation. Sir, what a consolation! The provisions of the Cochin Tenancy Act will give these tenants, according to the view of the Advocate-General, a gold-mine. We know what is the extent of the compensation which these poor tenants will get when they are evicted by the provisions of the much-boasted and much-wonted Cochin Tenancy Act according to the Advacate-General. So, the picture comes that is, the jenmies will come and ask tenant to get out, they will try to evict him and if the tenant protests, well, open the pages of the Cochin Tenancy Act and tell him "my dear man, here is compensation for you, you can get it". Let me get the fat price, says the man who was sleeping and snoring all the time. "You get the compensation according to the Cochin Tenancy Act". I am sorry, Sir, this is the kind of mentality which the jenmies have got and I am not abusing the jenmies: But with regard to this aspect, I must say this much. And this is the kind of Government that is going to back up such arguments and really, I for one feel sorry for the Government. I would remind the House that after all the purview of the Act is very small, it is only very few who will be affected and it is certainly not a violent measure, nor is it an exproprietory measure, Sir. Then, why should the Government stick to that attitude of opposing it. I cannot understand.

One thing more I will have to point out is this, that after all the Bill does not contemplate to exclude the jenmi from increasing the pattam in future. That is quite possible. If the jenmi thinks that what he has been getting is very little instead of evicting his tenants, he is still at liberty to increase the pattam. The Bill does not touch that right. Because, in the report it is stated: " The Chairman raised the question as to whether the right to revise the pattam should not be vested in the landlord on the basis of the principles for the fixation of fair rent....and so on. That question is still open. So, Sir, with regard to the arguments advanced by the second speaker in the course of this discussion, well, they need hardly be answered, because, they have already been answered. His chief argument is that because the Verumpattamdars Act has been passed only the other day is it not too soon to bring an amendment? Well, what is the sanctity in these things? There are a number of amendments to the Verumpattamdars Act. I remember during the debate of the Verumpattamdars Bill, my Hon'ble friend Rao Sahib Ayyappan in the

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course of his speech remarked that it is not a Tenants' Bill, it is a Jenmies' Bill. I am not going to that question. A number of amending Bills have cropped up. That shows that the Bill that has been passed hastily is perhaps what is called an ill-considered legislation and the number of amending Bills that are coming are symptomatic of something unhealthy and very defective of that Bill. And that is no reason why this Bill should be rejected. Added to it, there is the danger, particularly with regard to this Bill, that these tenants are likely to be evicted. After introducing this Bill in this House, I applied to the Government that His Highness may be pleased to issue a Proclamation staying legal action to eviction in such instances, considering that such a Bill is pending in this House. Well, the Government was pleased to refuse that request, and there are many whose fates are hanging in the balance to-day threatened with eviction. As such, I cannot subscribe to the view of the Hon'ble Member that it is too soon to bring an amending Bill in such a situation. Does my Hon'ble friend want the tenants to wait till all such tenants are evicted and the very principle of my Bill is defeated. Well, that is the way of the vested interests.

Let me recapitulate the very small extent of the application of my Bill, the very small, the microscopic, the super-microscopic minority that will be affected by this Bill....

Mr. Shabdai S. Koder *(Nominated):* Then why do you bring the Bill ?

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* It is a principle of law that a law will have to be passed. Why should I not. I have made the scope of the Bill very small. I have narrowed down to the utmost possible limit in order to satisfy the sentiment of the vested interest. But if the vested interests would be so greedy and avaricious as not to give even this little concession, if they are not prepared to go even to that extent at all, then I may tell them—well, I do'nt know what to tell them — perhaps it may be violent to tell them—actions like this would bring about the dreaded word "revolution". Because of this revolution is not going to come, it may be only a drop; but when things accumulate like this, when discontentment towards the landlords is being enhanced and increased, sometimes combustible materials accumulate and the inevitable catastrophe comes and it is a lesson from history, it will have to be.....

A voice : What about exhibition ?

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* Exhibition of what ?

A voice : War Exhibition.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* Well, since my Hon'ble friend raised the point, I will satisfy him by saying that some specimens of such vested interests should be exhibited in the War Exhibition. I would urge upon this House not to labour under any misunderstandings. If they think that house-sites in the Municipal area will be affected, they are labouring under an illusion. It is not every house site, not the house—site of Mr. Luis, not of Mr. Koder, it is only the little "kundu and kuzhies" that have been improved by the hard labour of the tenants and held for so long a period by persons who are dead and gone and whose poor descendents may be enjoying that are sought to be covered by this Bill. I ask the Hon'ble House, shall the House be a party to evict those people ? The Advocate-General has given the implication, eviction is coming, that the landlord wants to sell that land and amass its price. Who is entitled to the price ? Is the jenmi, the man by accident of birth got it or the man who by labour and expenditure of money has made it ? My friend, the Advocate-General, spoke of justice, equity and all that. Yes, justice and equity and these things require that the Bill must be supported. I appeal to the justice and equity of the House and to a better understanding of the provisions of the Bill that they may be pleased to give its unanimous support to my Bill.

Motion put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll, Sir.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* Sir, on a point of order, is the gong for Members to go out or to come in ?

Ayes

Messrs. B. M. Peter
K. R. Achyuthan
C. V. Iyyu
Ephraim Ouseph
K. T. Achyuthan
Joseph Pettah
P. Narayana Menon
L. M. Pylee
P. P. Devassy
K. M. Ibrahim
P. Kumaran Ezhuthassan
C. K. Nayar
K. Kunhirama Menon
Thomas Karikassery
K. R. Ramakrishnan
C. K. S. Moni
P. K. Krishnan

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Noes

Messrs. A. V. Moothedan
T. A. Ramachandra Ayyar
A. Eachara Menon
K. Ashtamurthi Nambudiripad
Chittur Kunhan Nambudiripad
C. N. Ittiravi Nambudiri
V. K. Bhaskara Menon
S. S. Koder
N. Govinda Pai
C. J. Luis
H. J. Walmesley
P. V. Raphael
V. K. Aravindaksha Menon
Rao Sahib I. N. Menon
A. Madhava Prabhu
Rama Varmha Tampuran
C. J. Mathew
B. V. K. Menon
M. Sivarama Menon
S. Venkateswaran
Rao Sahib M. M. Paul
Khan Sahib Y. M. Roshan Sahib Bahadur
Rao Sahib Dr. T. Verghese

Motion lost, 17 for and 23 against

The Cochin Code of Criminal Procedure (Amendment) Bill—Mr. P. Kumaran Ezhuthassan

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, I move that the Criminal Procedure Code (Amendment) Bill be taken into consideration, as reported by the Select Committee. In doing that, I have to make one or two observations. At the earlier stage of the Bill, the Hon'ble Advocate-General while stating that the principle of the Bill is accepted by the Government, was pleased to qualify that statement by saying that this being a Bill which affects the liberty of the subjects, something to be done to protect his liberties, requires minute consideration, just to see that it satisfies all that is wanted. I expressed my thanks for that attitude of the Government then and there and that attitude of the Government I am glad to say was consistently followed at the Select Committee stage. Examination was necessary and the Select Committee very carefully scrutinised the Bill and the result of their careful consideration is what is published in the shape of the Select Committee report. I am sure that my Hon'ble colleagues would have read it and from the Select Committee report it is clear that the best thought has been spent upon it and consistently with the position taken up by the Government at the earlier stage, the Committee has made some slight verbal changes, *viz.*, for the word "State" they have put "Cochin State" and for the word "Court", the words "High Court" have been put in for the purpose of clarity. Considering the present circumstances and perhaps the future circumstances also, that a person might have to be sent by the High Court to be brought before a military tribunal, the words "Court Martial or Tribunal" have been inserted. That has been put in as an addition. Except for these verbal changes, there have been no other changes. So, there is no necessity to speak at length on this Bill. It is a Bill that ought to have been on the Statute much earlier. I, therefore, commend it for the acceptance of this House.

Mr. T. P. Poulose *(Kanayannur):* Any changes from the British Act?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Absolutely no changes, except those suited to our conditions, and circumstances. But those changes were made in the original Bill. No material change has been made in that Bill, except some verbal alterations and the additions adverted already, adverted to by me.

Mr. M. Sivarama Menon *(Advocate-General):* The Government are not opposing this Bill.

The Motion put and carried
Clause 2 put and carried
Clause 1 and Preamble put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the Bill be taken up and finally passed into law tomorrow.

Motion put and carried

The Food question in Cochin State—*(cont.)*

Mrs. Joshua *(Trichur-Women):* I would invite the special attention of the Government on two points which deserve the best consideration at the hands of the Government. We are happy, rice is rationed 7 out of 8 days. But this benefit is taken away by the compulsion to purchase wheat. There is no exaggeration when I say that a good section of the poor people forego the rice ration for want of money to purchase the wheat. Imagine, how hard the Rule works on those who are most needy! When wheat was distributed free the other day, the officers concerned

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